

REMARKS

The Requirement for Restriction/Election dated March 23, 2010 has been received and its contents carefully noted. With this paper, all claims are unchanged and none are added.

REQUIREMENT FOR ELECTION/RESTRICTIONS

The Office action requires restriction to one of the following inventions under 35 USC §121:

Group I: Claims 1-23, drawn to a complementary bipolar semiconductor (CBI) device, classified in class 257, subclass 187;

Group II: Claims 24-32, drawn to a process for fabricating a CBI, classified in class 438, subclass 205.

Applicant provisionally elects Group I, claims 1-23, for prosecution and traverses the restriction requirement.

Applicant has reviewed the arguments advanced by the Office in imposing the restriction requirement and believes that the restriction requirement is inappropriate. On page 2 of the Requirement for Restriction/Election, the Office states that the "inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by another and materially different apparatus. For example, claims 1, 2, an insulating doping region is provided between the collector region and the substrate in which a dopant concentration of the insulation doping in a space charge region."

Applicant respectfully traverses the restriction for the following reasons:

Applicant respectfully submits that the process recited in claim 24 is *not practiced* by the apparatus, i.e. the semiconductor device of claim 1; but rather, claim 24 is directed to a process for *fabricating* a semiconductor device according to claim 1. Thus, applicant submits the Office's conclusion that "the apparatus as claimed can be used to practice *another* materially different process" is incorrect since it is not used to practice the process of claim 24. The process of claim 24 is used solely to fabricate the semiconductor device as recited in claim 1. Consequently, applicant respectfully submits that the restriction is improper.

In view of the foregoing, applicant respectfully requests that the Office reconsider and remove the restriction requirement because the process claims 24-32 in Group II are not distinct from the device claims 1-23 in Group I.

CONCLUSION

In conclusion, applicant believes that the inventions of Groups I and II are indistinct from each other. Further, all claims in the application are intimately interrelated and they should be examined together.

Reconsideration and early allowance are requested.

Respectfully submitted,



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